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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,115	08/01/2003	Robert Zeps	158266-0011/P02655US	3637

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EXAMINER

BANTAMOI, ANTHONY

ART UNIT	PAPER NUMBER
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2609

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09/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/633,115	Applicant(s) ZEPS ET AL.	
	Examiner Anthony Bantamoi	Art Unit 2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Crow et al (U.S. Patent 6,262,724), hereinafter referenced as Crow.

Regarding claim 1, Crow teaches a user interface for presenting media information which reads on “A method for accessing digital content comprising: making available to a user a token having a characteristic recognizable by a user as associated with the digital content, said token including machine readable characteristic; and automatically presenting the digital content to the user in response to the user’s selection of the token”. In addition Crow discloses a method of displaying a time –based media icon associated with a time-based media file, which reads on “making available to a user a token having a characteristic recognizable by a user as associated with the digital content, said token including machine readable characteristic” (column 27, lines 45-46), in addition Crow discloses a method for receiving said time-based media file in response to the selection of said time-based media icon associated with the time-based media file, which reads on “and automatically presenting the digital content to the user in response to the user’s selection of the token” (column 27, lines 56-59).

Regarding claim 2, Crow teaches everything as above (see claim 1), in addition discloses a data representation containing icons, which reads on “the method where in the token characteristics is an image or shape” (column 2, lines 61-63).

Regarding claim 3, Crow teaches everything as above (see claim 1), in addition discloses a diagram of a network of computer system (figure 1, item 100) in which media data can be accessed. Crow further disclosed a server (figure 1, item 128) on which information can be stored and retrieved by any client computer (102,104, 118, 120) at a users request, which reads on “the method where the digital content resides on a server” (figure 1).

Regarding claim 4, Crow teaches everything as above (see claim 1), in addition discloses a time-based media such as a movie, which reads on “the method where in the digital content is video or audio content” (column 2, lines 39-40).

Regarding claim 5, Crow teaches everything as above (see claim 1), in addition discloses client computers (102,104, 118, 120) which access information from the server from a location different than that of the server which, reads on “the method where the digital content resides or is primarily accessed by, a device that is not located where the digital content is presented” (figure 1).

Regarding claim 6, Crow teaches a user interface for presenting media information which reads on “A method for accessing digital audio content over a wireless network comprising: making available to a user a token having an image representing the performer(s) and a particular performance of a specific digital content and including a machine readable code; automatically identifying the code in response

to a user selection of the token; transmitting a digital stream over a wireless local area network, the digital stream includes the specific digital content corresponding to the token; receiving the digital stream; converting the digital stream into standard audio signal; and performing the digital audio on the local entertainment center". In addition crow discloses a method of displaying a time –based media icon associated with a time-based media file, which reads on "making available to a user a token having an image representing the performer(s) and a particular performance of a specific digital content and including a machine readable code" (column 27, lines 45-46), in addition Crow discloses a method for receiving said time-based media file in response to the selection of said time-based media icon associated with the time-based media file, which reads on "automatically identifying the code in response to a user selection of the token; transmitting a digital stream over a wireless local area network (100), the digital stream includes the specific digital content corresponding to the token; receiving the digital stream" (column 27, lines 56-59). In addition Crow discloses wireless modems (106,108) the local area network shown in figure 1 to facilitate wireless transmission of digital media between client computers (102,104, 118, 120) and server (128) in local area network (100), which reads on "transmitting a digital stream over a wireless local area network, the digital stream includes the specific digital content corresponding to the token; receiving the digital stream" (figure 1), even further Crow discloses wireless modems (106,108) the local area network shown in figure 1 to facilitate wireless transmission of digital media between client computers (102,104, 118, 120) and server (128) in local area network (100), which reads on "receiving the digital stream" (figure


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1), in addition Crow discloses a gateway digital processing system (figure 2, item 150) used to process the media content inside the client computers for presentation to the user, which reads on "converting the digital stream into standard audio signal" (figures 1 and 2), Finally Crow discloses a digital audio player (figure 3A, item 200) for playing digital media stream contents like music which reads on "performing the digital audio on the local entertainment center" (figure 3A).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Bantamoi whose telephone number is 571 270 3581. The examiner can normally be reached on MON.-FRI. 7:30-5:00 EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on 571 272 7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


9/13/07
RYAN YANG
PRIMARY EXAMINER

Anthony Bantamoi